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-and-

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Attorneys for the Foreign Representatives

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:) Chapter 15 Case
)
FAIRFIELD SENTRY LIMITED, et al.,) Case No. 10-13164 (SMB)
)
Debtors in Foreign Proceedings.) Jointly Administered
)
FAIRFIELD SENTRY LIMITED (IN LIQUIDATION),)
acting by and through the Foreign Representative thereof,)
and KENNETH KRYSS, solely in his capacity as Foreign)
Representative and Liquidator thereof,)
Plaintiffs,) Adv. Pro. No. 10-03525
) (SMB)
-against-)
FUND NOMINEES LIMITED, COLLINS STEWART (CI))
LIMITED and BENEFICIAL OWNERS OF ACCOUNTS)
HELD IN THE NAME OF FUND NOMINEES LIMITED)
1-1000,)
Defendants.)

NOTICE OF APPEAL

Part 1: Identify the Appellant(s)

1. **Names(s) of appellants:** Fairfield Sentry Limited (In Liquidation), acting by and through the Foreign Representative thereof, and Kenneth Kryz, solely in his capacity as Foreign Representative and Liquidator thereof (“Plaintiff-Appellants”).

2. **Position of appellants in the adversary proceeding that is the subject of this appeal:** Plaintiff(s)

Part 2: Identify the subject of this appeal

1. **Describe the judgment, order or decree appealed from:** Plaintiff-Appellants, by their attorneys, hereby appeal under 28 U.S.C. § 158(a) from:

- a. Each and every part of that portion of the Stipulated Order Granting In Part And Denying In Part Moving Defendants' Motions to Dismiss And Plaintiffs' Motion For Leave To Amend, dated Wednesday, April 3, 2019 (ECF No. 65) (the “Order”) that constitutes a final judgment and except insofar as the Order provides for further proceedings on issues listed in Order Paragraph II.A in the Bankruptcy Court;
- b. Memorandum Decision Granting in Part and Denying in Part Defendants’ Motions to Dismiss and Plaintiffs’ Motions for Leave to Amend, dated December 6, 2018 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc. No. 10-03496 (SMB) (Bankr. S.D.N.Y. Dec. 6, 2018)¹, ECF. No 1743) (“December 2018 Decision”), solely insofar as it concerns claims dismissed under the Order and the extraterritorial application of the Section 546(e) safe harbor; and

¹ The Court entered the decisions addressed in this Notice of Appeal only on the administratively consolidated docket for this action and its related proceedings.

- c. Memorandum Decision and Order Regarding the Defendants' Motions to Dismiss for Want of Jurisdiction, dated August 6, 2018 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc. No. 10-03496 (SMB) (Bankr. S.D.N.Y. Aug. 6, 2018), ECF No. 1723) (the "August 2018 Order"), solely insofar as it rules that Defendants' consent to the Subscription Agreement does not constitute consent to personal jurisdiction in the U.S. Redeemer Actions.

2. **State the date on which the judgment, order, or decree was entered:**

- a. The Order was entered on Wednesday, April 3, 2019. A copy of the Order is annexed hereto as **Exhibit A**.
- b. The December 2018 Decision was entered on December 6, 2018. A copy of the December 2018 Decision is annexed hereto as **Exhibit B**.
- c. The August 2018 Order was entered on August 6, 2018. A copy of the August 2018 Order is annexed hereto as **Exhibit C**.

Part 3: Identify the other parties to the appeal:

The relevant parties to the judgment, order, or decree appealed from, and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Plaintiff-Appellants	Attorneys
Fairfield Sentry Limited (In Liquidation), acting by and through the Foreign Representative thereof, and Kenneth Krys, solely in his capacity as Foreign Representative and Liquidator thereof	BROWN RUDNICK LLP David J. Molton Marek P. Krzyzowski Seven Times Square New York, New York 10036 Telephone: 212-209-4800 SELENDY & GAY PLLC David Elsberg Lena Konanova Ron Krock

	1290 Avenue of the Americas New York, NY 10104 Telephone: 212-390-9000
Defendant-Appellees	Attorneys
See Schedule A	See Schedule A

Part 4: Not Applicable (No BAP in this District)

Part 5: Signature

Dated: May 2, 2019
New York, New York

Respectfully submitted,

BROWN RUDNICK LLP

/s/ David J. Molton

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—and—

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